



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,504	10/14/2003	Mika Kalenius	944-004.036	3547
4955 7590 04/09/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER VU, VIET DUY	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/686,504

Applicant(s)

KALENIUS ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 2154

Art Rejections:

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 14-15, 18 and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Holmstrom et al, U.S. pat. No. 6,198,939.

Per claims 1-2, 4, 14, 18 and 27, Holmstrom discloses a mobile phone comprising:

a) means for displaying text/graphics, means for inputting alphanumeric characters to the phone, for selecting desired operational functionalities of the phone and for navigating sub-operational functionalities (see col 3, lines 50-57);

b) means for making a user aware of one or more next possible sub-operational functionalities available for user selection in said selected operational functionality by displaying menu list containing at least one next possible sub-operational functionalities in response to user's selection of one or more keys (see col 5, lines 47-67).

Per claim 5, Holmstrom teaches enabling the user to terminate/deactivating the search/hint function (see col 4, lines 47-54).

Per claims 6-8 and 11, Holmstrom teaches prompting the user with instructions (see col 4, lines 1-14, 38-44). It is noted that the instructions can be presented as texts or graphics depending upon the phone display capability.

Per claim 15, Holmstrom teaches highlighting one or more next feature selections shown in a menu list of features (see col 6, lines 46-49).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that

Art Unit: 2154

was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, 9-10, 12-13, 16-17, 19-26 and 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmstrom.

Per claims 3, 9-10 and 13, Holmstrom teaches highlighting one or more next feature selections shown in a menu list of features (see col 6, lines 46-49). Holmstrom does not explicitly teach highlighting selection keys associated with the next features/ functions shown in the menu lists. It is however noted that features/functions of the phone are activated by using selection keys, e.g., hard keys, soft keys, touch screen (i.e., virtual keys) (see col 3, lines 44-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize selection keys highlights as an alternative or in addition to the menu function highlights in Holmstrom because it would have further assisted users in making the function selection. The highlighting of selection keys would have been particularly obvious for devices with a touch screen (i.e., virtual keys).

Per claim 12, it is noted that a prior art mobile phone typically allows user to set different tones to individual selection keys.

Per claims 16-17, Holmstrom teaches using voice commands to activate particular functions in the phone (see col 5, lines 21-23). Holmstrom does not explicitly teach prompting or answering user with voice instructions. The use of such voice command functions on mobile devices is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply such voice command functions in Holmstrom because it would have further assisted users in entering commands in certain applications, e.g., while driving.

Claims 19-26 are similar in scope as that of claims 3, 9-10, 12-13 and 16-17.

Per claims 28-38, Holmstrom teaches identifying a desired operational function and selecting the identified desired operational function (see col 5, lines 30-45). Holmstrom also teaches determining additional sub-functionalities and identifying additional sub-functionalities available for selection (see col 5, lines 47-67).

Holmstrom does not explicitly teach associating a key of the mobile phone with an available function. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize such key assignment in Holmstrom

Art Unit: 2154

because it would have enabled user to select/activate desired function (see col 3, lines 45-49).

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit 2154
3/26/07

VIET D. VU
PRIMARY EXAMINER